



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 5, 1997

Mr. David M. Douglas
Assistant Chief
Legal Services
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR97-2648

Dear Mr. Douglas:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 111236.

The Texas Department of Public Safety (the "department") received a request for information concerning two automobile accidents in Nacogdoches County. You assert that portions of the requested information are excepted from required public disclosure based on sections 552.103 and 552.108 of the Government Code. You have submitted representative samples of the requested information. You state that the department will release to the requestor the accident report and front page offense report information.

Section 552.108 of the Government Code reads in pertinent part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You inform us that an arrest warrant for Mr. John Currie is outstanding. You also state that the Nacogdoches County Attorney has advised the department that his agency will be responsible for prosecuting Mr. Currie once he has been apprehended.

We believe the department has demonstrated that the release of the information concerning the accident involving Mr. Currie will "interfere with the investigation and prosecution of crime." However, under subsection (c) of the section 552.108, section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Accordingly, the department may withhold the information with the exception of such basic information. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (listing public front page offense report information); Open Records Decision No. 127 (1976) (same); *see also* Open Records Decision No. 362 (1983) (section 552.103 predecessor inapplicable to front page offense report information).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 111236

Enclosures: Submitted documents

cc: Mr. Kevin White
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(w/o enclosures)